

REMARKS

Applicants request reconsideration and allowance of the present application in view of the foregoing amendments and the following remarks.

Claims 7-9, 13, 14, 16, 17, 22-27, and 29 are pending in the present application. Claims 7, 9, 13, 16, 22, 24, 25, 27, and 29 are the independent claims.

Claims 1-6, 10-12, 15, 18-21, 28, and 30-32 have been cancelled without prejudice to or disclaimer of the subject matter recited therein. Claims 7, 9, 13, 16, and 25 have been amended. No new matter is believed to have been added.

By separate paper filed concurrently herewith, Applicants have submitted a replacement FIG. 7 by which Applicants have corrected a minor error in that figure. Favorable consideration is respectfully requested.

Claims 7-9, 13, 14, 16, 22-27, and 29 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting over copending Application No. 09/534,493. Applicants traverse this provisional rejection and submit herewith a terminal disclaimer. Accordingly, favorable reconsideration and withdrawal of the provisional rejection of claims 7-9, 13, 14, 16, 22-27, and 29 are respectfully requested.

Claims 1-6, 10-12, 20-21, 28, and 31-32 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,734,787 (Yonemitsu et al.). Claims 7-9, 13-19, 22-27, and 29-30, stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yonemitsu et al. in view of the reproducing method performed by a conventional cd player illustrated by Applicants' FIG. 1 ("the conventional reproducing method"). All rejections are respectfully traversed.

Independent claim 7 recites, inter alia, an analyzer to analyze whether a predetermined file system exists if it is determined by a differentiator that a disc is neither a video CD nor an audio CD.

Independent claim 9 recites, inter alia, an analyzer to analyze whether a predetermined file system exists if it is determined by a second differentiator that a disc is neither a video CD nor an audio CD or if it is determined by a first differentiator that the disc is a DVD.

Independent claim 13 recites, inter alia, determining whether the predetermined file system exists if it is determined that a disc is neither a video CD nor an audio CD.

Independent claim 16 recites, inter alia, determining whether a predetermined file system exists if it is determined that the physical structure of a disc corresponds to that of a DVD or if it is determined that a disc is neither a video CD nor an audio CD.

Independent claim 22 recites, inter alia, an analyzer to analyze whether a predetermined file system exists on a disc if it is determined by a differentiator that the disc is neither a video CD nor an audio CD.

Independent claim 24 recites, inter alia, an analyzer to analyze whether a predetermined file system exists on a disc if it is determined by a second differentiator that the disc is neither a video CD nor an audio CD or if it is determined by a first differentiator that the disc is a DVD.

Independent claim 25 recites, inter alia, determining whether a predetermined file system exists on a disc if it is determined that the disc is neither a video CD nor an audio CD.

Independent claim 27 recites, inter alia, analyzing video CD information on a first track of the disc and playing a video CD according to the analyzed video CD information if it is determined that the disc is a video CD and, if it is determined that the disc is not a video CD, analyzing a predetermined file system on the disc.

Independent claim 29 recites, inter alia, determining whether a predetermined file system exists on the disc if it is determined that the disc is neither a type A disc nor a type B disc.

However, Applicants respectfully submit that neither Yonemitsu et al. nor the conventional reproducing method, either alone or in combination (assuming arguendo that the asserted combination is proper) teaches or suggests at least the aforementioned features of independent claims 7, 9, 13, 16, 22, 24, 25, 27, and 29.

Yonemitsu et al. relates to an optical disk having a particular format to store user-selected data, such as compressed video data or computed files, including a dedicated TOC region and an application TOC to identify the video compression format. However, Yonemitsu et al. is silent as to the aforementioned features of independent claims 7, 9, 13, 16, 22, 24, 25, 27, and 29. Further, the Office Action does not assert that Yonemitsu et al. teaches or suggests at least the subject features of the independent claims.

The conventional reproducing method discusses determining whether a disc is a video CD or an audio CD so as to deformat and decode a signal from the disc. However, absent from the conventional reproducing method is any discussion of at least the aforementioned features of independent claims 7, 9, 13, 16, 22, 24, 25, 27, and 29. Indeed, the conventional reproducing

method teaches displaying an indication that the disc cannot be played (109).

In view of at least the aforementioned deficiencies, the asserted combination is also deficient. Accordingly, favorable reconsideration and withdrawal of the rejection of claims 7, 9, 13, 16, 22, 24, 25, 27, and 29 under 35 U.S.C. § 103 are respectfully requested.

In view of the foregoing, Applicants respectfully submit that the independent claims patentably define the present invention over the citations of record. Further, the dependent claims should also be allowable for the same reasons as their respective base claims and further due to the additional features that they recite. Separate and individual consideration of the dependent claims is respectfully requested. All rejections are respectfully traversed.

Applicant submits that this Amendment After Final Rejection clearly places the subject application in condition for allowance. This Amendment was not earlier presented, because Applicants believed that the prior Amendment placed the subject application in condition for allowance. Accordingly, entry of the instant Amendment as an earnest attempt to advance prosecution and reduce the number of issues is requested under 37 C.F.R. § 1.116.

Applicants believe that the present Amendment is responsive to each of the points raised by the Examiner in the Official Action. However, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to such matters.


There being no further outstanding objections or rejections, it is submitted that the present application is in condition for allowance. An early action to that effect is courteously solicited.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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